

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: § Atty Docket No: 24689/101
U.S. Patent No. 5,923,467 §
Issued: July 13, 1999 §
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Inventors: Pericic et al. (deceased) §
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Serial No: (Not assigned) § Group Art Unit: (Not assigned)
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Filed: (Concurrently herewith) § Examiner: (Not assigned)
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For: BINOCULAR BENT-AXIS LOUPES §
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BROADENING REISSUE DECLARATION
UNDER 37 C.F.R. §1.175

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

We, Ljubomir Pericic (deceased, represented by Michelina Pericic), Gerard William Crock, and Hugh Ringland Taylor declare that:

1. Our residence, post office address and citizenship are stated below next to our names.

2. We believe we are the original and first inventors of the subject matter described and claimed in our original U.S. Letters Patent 5,923,467 and in the foregoing specification for which a reissue patent is sought on the invention entitled BINOCULAR BENT-AXIS LOUPES.

3. We have reviewed and understand the contents of the above-identified specification, including the claims.

4. We acknowledge the duty to disclose information which is material to examination of the application in accordance with 37 C.F.R. § 1.56(a).

5. We claim benefit under 35 U.S.C. § 371 of International Application No. PCT/AU92/00634, filed November 26, 1992 (as amended on July 9, 1993), and under 35 U.S.C. § 119 to Australian Application No. PK9740, filed November 28, 1992.

6. There are no foreign applications or inventor's certificates having a filing date before that of the applications on which priority is claimed.

7. We believe U.S. Patent No. 5,923,467 ("the '467 patent") is wholly or partly inoperative or invalid by reason of our claiming less than we had the right to claim in the patent.

8. One specific error was for us not to include claims which recite:

(Reissue claim 16) Binocular, bent-axis optical loupes, comprising:
a frame including means for attaching the frame on the head of a human user; and

a pair of optical devices mounted on the frame at positions proximate a respective eye of a human user, wherein each such device includes an ocular having an ocular axis, which ocular axis is in line with the normal visual axis of the human user when looking straight ahead when the frame is attached to the head of the human user, an objective which defines a field of view outside the normal visual axis of the human user when looking straight ahead, the objective having an objective axis, the objective axis being at an obtuse angle with respect to the ocular axis, which angle opens toward the human user when the frame is attached to the head of the human user, and a light transfer device located between the ocular and the objective, which light transfer device redirects light from the objective to the ocular, whereby an object which appears in the field of view of the objective is capable of being viewed through the ocular.

(Reissue claim 17) The optical loupes of claim 16, further including a light source provided on the frame between the optical devices, the light source providing a gradually diverging beam directed to illuminate the object being viewed in a manner which gives the effect of true co-axial illumination.

(Reissue claim 18) The optical loupes of claim 17, wherein the light beam and the objective axes are focused on the object being viewed.

(Reissue claim 19) The optical loupes of claim 16, wherein the objective axis and the ocular axis intersect.

(Reissue claim 20) The optical loupes of claim 16, wherein the obtuse angle is in the range of 120° to 150°.

9. By this reissue declaration, we desire to seek broadened claims, and, this application for reissue of the '467 patent addresses the aforementioned errors in claiming less than we were entitled to claim by including new independent claim 16 which does not recite unnecessary features in claim 1 of (1) a light source provided on the frame between the optical devices and (2) the objective axis and ocular axis intersecting, and by adding new dependent claims 17-20 to define the loupes of the present invention with the variety in scope and the degree of specificity necessary to adequately protect the invention. Support for new claim 16 exists in FIGS. 1-3 of the '467 patent and in column 1, lines 54-67. Support for new claim 17 exists in FIGS. 2 and 4 of the '467 patent and in the associated description in the specification. Support for new claim 18 exists in claim 4 of the '467 patent. Support for new claim 19 exists in FIG. 3 and in column 2, lines 1-12. Support for new claim 20 exists in claim 2 of the '467 patent.

10. We believe that the errors recited above and being presented for correction in this reissue application arose without any deceptive intention on our part.

WHEREFORE, We pray that we may be allowed to surrender the original Letters Patent 5,923,467 and do hereby offer same.

We hereby appoint Scott D. Anderson, Reg. No., 46,521; Russell J. Barron, Reg. No., 29,512; David J. Bates, Reg. No., 39,902; Steven C. Becker, Reg. No., 42,308; Edward W. Brown, Reg. No., 22,022; Charles G. Carter, Reg. No., 35,093; Alistair K. Chan, Reg. No., 44,603; John C. Cooper III, Reg. No., 26,416; Jeffrey N. Costakos, Reg. No., 34,144; William J. Dick, Reg. No., 22,205; Barry L. Grossman, Reg. No., 30,844; Jeffrey S. Gundersen, Reg. No., 47,619; Paul S. Hunter, Reg. No., 44,787; Katherine D. Lee, Reg. No., 44,865; Kenneth G. Lemke, reg. No., 47,746; Keith D. Lindenbaum, Reg. No., 40,365; David G. Luettgen, Reg. No., 39,282; Richard J. McKenna, Reg. No., 35,610; James G. Morrow, Reg. No., 32,505; Todd A. Rathe, Reg. No., 38,276; Michael D. Rechtin, Reg. No., 30,128; M. Reed Staheli, Reg. No., 47,959; Christopher M. Turoska, Reg. No., 44,456; John A. Vanophem, Reg. No., 38,646; James A. Wilke, Reg. No.,

34,279; Joseph N. Ziebert, Reg. No., 35,421; and Walter E. Zimmerman, Reg. No., 40,883, as our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and request that all correspondence be sent to FOLEY & LARDNER, Firststar Center, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367, (414) 297-5760.

The undersigned petitioners declare further that all statements made herein of their own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Residence: _____

Citizenship: _____

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Signature: _____ *Date:* _____

Name of second inventor: Gerard William Crock

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Signature: _____ *Date:* _____

Name of third inventor: Hugh Ringland Taylor

Residence: _____

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Signature: _____ *Date:* _____